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A T T O R N E Y S

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RECORDATION NO. 21123 FILED

DEC 31 '97

9-12AM

December 31, 1997

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
Washington, DC 20423

Dear Secretary Williams:

I have enclosed three originals of the document described below, to be recorded pursuant to 49 U.S.C. § 11301.

The document is a Memorandum of Lease Agreement, a primary document, dated as of December 31, 1997. We request that this document be given the next available Recordation Number.

The names and addresses of the parties to the Memorandum of Lease Agreement are:

Lessor:

MetLife Capital corporation  
10900 N.E. 4th Street  
Bellevue, WA 98004

Lessee:

Buffalo & Pittsburgh Railroad, Inc.  
71 Lewis Street  
Greenwich, CT 06830

A description of the equipment covered by the Memorandum of Lease Agreement consists of the equipment described in the Attachment.

RECEIVED  
SURFACE TRANSPORTATION  
BOARD

DEC 31 9 12 AM '97

*Countersigned - J. Williams*

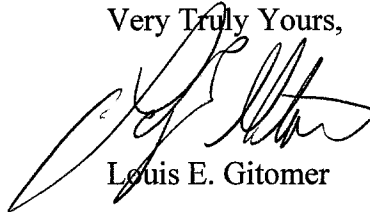
Honorable Vernon A. Williams  
December 31, 1997  
Page 2

A fee of \$24.00 is enclosed. Please return two originals to:

Louis E. Gitomer  
Of Counsel  
Ball Janik LLP  
Suite 225  
1455 F Street, N.W.  
Washington, DC 20005

A short summary of the document to appear in the index follows: Memorandum of Lease Agreement between MetLife Capital Corporation, 10900 N.E. 4th Street, Bellevue, WA 98004, and Buffalo & Pittsburgh Railroad, Inc., 71 Lewis Street, Greenwich, CT 06830, covering the equipment described in the Attachment.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'L. Gitomer', is written over the typed name.

Louis E. Gitomer

Enclosures

# ATTACHMENT

# THE FIRST NATIONAL BANK OF MARYLAND

## SCHEDULE OF RAILCARS

Sch. No. 3

Series A

Lessee: BUFFALO & PITTSBURGH RAILROAD, INC.

Approved by: \_\_\_\_\_  
(Lessee initial)

Attached to Railcar Bill of Sale dated \_\_\_\_\_, 1997  
and or  
Schedule No. 3

### DESCRIPTION

### REPORTING MARK

### TOTAL COST

Sixteen (16) 1964 manufactured  
box cars, each being 50 foot -  
70 ton Plate C box cars as more  
fully described on the attachment  
hereto.

CP80000-80005  
CP80007-80009  
CP80013-80019

## II. DESCRIPTION OF NEWSPRINT CARS

### A. Group A --

The thirty-two Group A cars are described as follows:

AAR Mechanical Designation .....	XP
AAR Car Type Code .....	A405
AAR Equipment Diagram .....	Plate C
Date Built .....	1964
Car Numbers .....	CP 80000 - CP 80041 not inclusive
Nominal Capacity (Tons) .....	70
Cubic Feet Capacity .....	5090
Extreme Height .....	15' 6"
Extreme Width .....	10' 7"
Length Inside .....	50' 6"
Length Outside .....	57' 10"
Air Brake System .....	AB/AB
Couplers .....	Type E
Cushion Units .....	One, center of car
Trucks .....	Barber S2, 6" x 11" roller bearings D4 inner and outer springs Number 18 brake beams
Wheels .....	33" curved or straight plate design
Doors .....	Two -- plug doors, 9' 0" x 10' 4"

The Cars are described in *The Official Railway Equipment Register*, Vol. 113, Number 2, issued October-1997 and effective October 1, 1997, on page number RR-112, line numbers 109-114.

# THE FIRST NATIONAL BANK OF MARYLAND

## SCHEDULE OF RAILCARS

Sch. No. 3

Series B

Lessee: BUFFALO & PITTSBURGH RAILROAD, INC.

Approved by: \_\_\_\_\_  
(Lessee initial)

Attached to Railcar Bill of Sale dated \_\_\_\_\_, 1997  
and or  
Schedule No. 3

<u>DESCRIPTION</u>	<u>REPORTING MARK</u>	<u>TOTAL COST</u>
Two hundred eighty-eight (288) 1965 manufactured box cars, each being 50 foot - 70 ton Plate C box cars as more fully described on the attachment hereto.	CP80042-80045	
	CP80047+80050	
	CP80053-80065	
	CP80067-80070	
	CP80072-80074	
	CP80076-80082	
	CP80084,80086 + 80088	
	CP80091-80093	
	CP80095-80098	
	CP80100-80106	
	CP80108-80110	
	CP80112-80114	
	CP80116+80117	
	CP80119-80121	
	CP80123,80124,80126,80127	
	CP80129-80134	
	CP80136+80137	
	CP80139-80141	
	CP80144+80145	
	CP80148-80156	
	CP80159-80163	
	CP80165-80172	
	CP80174-80179	
	80181	
	CP80183-80185	
	CP80187-80190	
	CP80192-80194	
	CP80196-80198	
	CP80200-80205	
	CP80207-80211	

**SCHEDULE OF RAILCARS**

Sch. No. 3

Series B

Lessee: BUFFALO &amp; PITTSBURGH RAILROAD, INC.

Approved by: \_\_\_\_\_  
(Lessee initial)Attached to Railcar Bill of Sale dated \_\_\_\_\_, 1997  
and or  
Schedule No. 3

<u>DESCRIPTION</u>	<u>REPORTING MARK</u>	<u>TOTAL COST</u>
	CP80213-80220	
	CP80222-80224	
	CP80226-80229	
	CP80231-80239	
	CP80241-80242	
	CP80245-80250	
	CP80252+80253	
	CP80255+80257	
	CP80258-80268	
	CP80270-80273	
	80275	
	CP80277-80282	
	80285	
	CP80289-80292	
	80294	
	CP80297-80301	
	CP80305,80311,80315	
	CP80316-80318	
	80320	
	CP80325+80326	
	CP80329-80336	
	CP80339+80340	
	CP80342-80346	
	CP80348-80355	
	CP80359-80362	
	CP80364,80365,80367	
	CP80370-80372	
	CP80374-80379	
	CP80381+80382	
	CP80385-80391	
	CP80394,80395,80397	
	CP80399-80401	
	CP80403-80409	
	CP80411-80416	
	CP80418-80420	
	CP80422,80425,80427,80428; CP80431-80435	

B. Group B --

The five hundred seventy-eight (578) Group B Cars are described as follows

AAR Mechanical Designation .....	XP
AAR Car Type Code .....	A405
AAR Equipment Diagram.....	Plate C
Date Built.....	1965
Car Numbers .....	CP 30042 - CP 30839 not inclusive
Nominal Capacity (Tons) .....	70
Cubic Feet Capacity .....	5090
Extreme Height.....	15' 3"
Extreme Width.....	10' 7"
Length, Inside.....	50' 6"
Length, Outside .....	57' 10"
Air Brake System.....	AB/AB
Couplers .....	Type E
Cushion Units .....	One, center of car
Trucks .....	Barber S2, 6" x 11" roller bearings, D4 inner and outer springs, Number 18 brake beams
Wheels .....	33" curved or straight plate design
Doors.....	Two -- plug doors 8' 0" x 10' 4"

The Cars are described in *The Official Railway Equipment Register*, Vol. 112  
Number 2, issued October-1997 and effective October 1, 1997, on page  
numbers RR-112 - RR-113, line numbers 114 - 164



# THE FIRST NATIONAL BANK OF MARYLAND

## SCHEDULE OF RAILCARS

Sch. No. 3

Series C & D

Lessee: BUFFALO & PITTSBURGH RAILROAD, INC.

Approved by: \_\_\_\_\_  
(Lessee initial)

Attached to Railcar Bill of Sale dated \_\_\_\_\_, 1997  
and or  
Schedule No. 3

<u>DESCRIPTION</u>	<u>REPORTING MARK</u>	<u>TOTAL COST</u>
<u>Series C</u>		
One hundred ten (110) 1969	CP85002-85016	
manufactured box cars, each being 50	CP85019+85022	
foot - 70 ton Plate C box cars as more	CP85024-85028	
fully described on the attachment	CP85030-85034	
hereto.	CP85036,85038,85039	
	CP85041+85042	
	CP85044+85045	
	CP85047-85052	
	CP85056+85058	
	CP85060-85065	
	CP85067+85068	
	CP85070-85072	
	CP85074-85078	
	CP85080-85089	
	CP85091-85102	
	CP85104-85105	
	CP85107-85112	
	CP85114-85119	
	CP85121+85123	
	CP85125-85128	
	CP85130+85131	
	CP85133-85137	
<u>Series D</u>		
Forty (40) 1979	QC75000-75002	
manufactured box cars, each being 50	QC75006+75013	
foot - 70 ton Plate C box cars as more	QC75016-75020	
fully described on the attachment	QC75026+75027	
hereto.	QC75030-75032	
	QC75034,75036,75045,	
	75046,75048,75051	
	QC75054-75056	
	QC75059,75061,75063,	
	75070,75073,75074	
	QC75076-75078,75081	
	QC75083-75086	
	QC75088+QC75091	

C. Group C --

The two hundred twenty (220) Group C Cars are described as follows:

AAR Mechanical Designation	XP
AAR Car Type Code	A405
AAR Equipment Diagram	Plate C
Date Built	1969
Car Numbers	CP 85002 - CP 85289, not inclusive
Nominal Capacity (Tons)	70
Cubic Feet Capacity	5140
Extreme Height	15' 5"
Extreme Width	10' 7"
Length, Inside	50' 7"
Length, Outside	57' 8"
Air Brake System	ABD/ABD
Couplers	Type E
Cushion Unit	One, center of car
Trucks	Barber S2, 6" x 11" roller bearings D4 inner and outer springs, Number 12 brake beams
Wheels	33" curved or straight plate design
Doors	Two -- plug doors 9' 0" x 10' 4"

The Cars are described in *The Official Railway Equipment Register*, Vol. 113, Number 2, issued October-1997 and effective October 1, 1997, on page number RR-113 line number 194.

D Group D --

The eighty one (81) Group D Cars are described as follows.

Association of American Railroads ( AAR") .....XP

Mechanical Designation

AAR Car Type Code.....A405

AAR Equipment Diagram.....Plate C

Date Built.....1979

Car Numbers .....QC 75000 - QC 75229,  
not inclusive

Nominal Capacity (Tons) .....70

Cubic Feet Capacity .....5204

Extreme Height.....15' 6"

Extreme Width.....10' 8"

Length Inside.....50' 6"

Length, Outside.....58' 3"

Air Brake System.....ABD/ABDW

Couplers.....Type E

Cushion Units .....One, center of car

Trucks .....Barber S2,  
6" x 11" roller bearings,  
DS inner and outer springs  
Number 18 brake beams

Wheels .....33" curved or straight plate design

Doors.....Two -- plug doors, 9' 0" x 10' 4"

The Cars are described in *The Official Railway Equipment Register*, Vol. 113,  
Number 2, issued October-1997 and effective October 1, 1997, on page  
number RR-124, line number 745.

DEC 31 '97

9-12AM

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**MEMORANDUM OF LEASE AGREEMENT**

dated as of December 31, 1997

between

**BUFFALO & PITTSBURGH RAILROAD, INC.**  
as Lessee

and

**METLIFE CAPITAL CORPORATION**  
as Lessor

---

**FILED WITH THE SURFACE TRANSPORTATION BOARD**  
**PURSUANT TO 49 U.S.C. § 11301**  
on December \_\_, 1997 at \_\_: \_\_ .m.

## MEMORANDUM OF LEASE AGREEMENT

THIS MEMORANDUM OF LEASE AGREEMENT is made and entered into as of December 31, 1997, by and between METLIFE CAPITAL CORPORATION ("Lessor") and BUFFALO & PITTSBURGH RAILROAD, INC. ("Lessee"), with reference to the following:

1. Lessor has agreed to purchase and lease to Lessee, and Lessee has agreed to lease from Lessor, those certain railcars described on Exhibit No. 1 attached hereto.

All of such railcars are more fully described in that certain Schedule No. 3 dated as of December 31, 1997 (the "Schedule") between Lessor and Lessee, incorporating by reference the terms and conditions of that certain Railcar Lease Agreement dated as of December 29, 1997 (the "Railcar Lease Agreement"), between The First National Bank of Maryland and Lessee. The Schedule, incorporating by reference the Railcar Lease Agreement, together with all of the riders, schedules and other attachments thereto, is herein collectively referred to as the "Lease".

2. The Lease shall be effective as of the date hereof and shall be subject to the term specified in the Lease, and any extension of such term to the extent provided for in the Lease.

This Memorandum of Lease Agreement may be executed in any number of counterparts, each executed counterpart constituting an original but all together only one Memorandum of Lease Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have executed or caused this Memorandum of Lease Agreement to be executed as of the date first above written.

METLIFE CAPITAL CORPORATION

By: Manuel Montanez  
Name: Manuel Montanez  
Title: Vice President

BUFFALO & PITTSBURGH RAILROAD, INC.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

IN WITNESS WHEREOF, the parties hereto have executed or caused this Memorandum of Lease Agreement to be executed as of the date first above written.

METLIFE CAPITAL CORPORATION

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

BUFFALO & PITTSBURGH RAILROAD, INC.

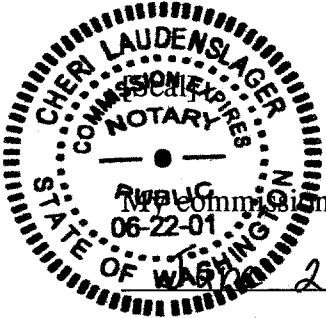
By: *Mark W. Hastings*

Name: *Mark W. Hastings*

Title: *President*

STATE OF Washington )  
 ) ss.  
CITY OF Bellevue )

On this 29 day of December, 1997, before me appeared Manuel Montanez,  
the person who signed this instrument, who acknowledged that (s)he is the Vice President  
of METLIFE CAPITAL CORPORATION and that, being duly authorized, (s)he signed such  
instrument as a free act on behalf of said corporation.



Cheri Laudenslager  
Notary Public

My commission expires:  
22, 2001

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of December, 1997, before me appeared \_\_\_\_\_,  
the person who signed this instrument, who acknowledged that (s)he is the \_\_\_\_\_  
of BUFFALO & PITTSBURGH RAILROAD, INC. and that, being duly authorized, (s)he signed  
such instrument as a free act on behalf of said corporation.

[Seal]

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_, \_\_\_\_\_



STATE OF MARYLAND                    )  
  ) ss.  
CITY OF BALTIMORE                    )

On this \_\_\_\_ day of December, 1997, before me appeared \_\_\_\_\_,  
the person who signed this instrument, who acknowledged that (s)he is the \_\_\_\_\_  
of THE FIRST NATIONAL BANK OF MARYLAND and that, being duly authorized, (s)he  
signed such instrument as a free act on behalf of said corporation.

[Seal]

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

STATE OF Connecticut                    )  
  ) ss.  
COUNTY OF Fairfield                    )

On this 29 day of December, 1997, before me appeared Mark Hastings,  
the person who signed this instrument, who acknowledged that (s)he is the Treasurer  
of BUFFALO & PITTSBURGH RAILROAD, INC. and that, being duly authorized, (s)he signed  
such instrument as a free act on behalf of said corporation.

[Seal]

  
\_\_\_\_\_  
Notary Public

My commission expires:

**MY COMMISSION EXPIRES FEBRUARY 22, 1998**  
\_\_\_\_\_

**EXHIBIT NO. 1**  
**TO MEMORANDUM OF LEASE AGREEMENT**

**DESCRIPTION OF RAILCARS AND REPORTING MARKS**

# THE FIRST NATIONAL BANK OF MARYLAND

## SCHEDULE OF RAILCARS

Sch. No. 3

Series A

Lessee: BUFFALO & PITTSBURGH RAILROAD, INC.

Approved by: \_\_\_\_\_  
(Lessee initial)

Attached to Railcar Bill of Sale dated DECEMBER 31, 1997  
and or  
Schedule No. 3

### DESCRIPTION

Sixteen (16) 1964 manufactured  
box cars, each being 50 foot -  
70 ton Plate C box cars as more  
fully described on the attachment  
hereto.

### REPORTING MARK

CP80000-80005  
CP80007-80009  
CP80013-80019

### TOTAL COST

## II. DESCRIPTION OF NEWSPRINT CARS

### A. Group A --

The thirty-two Group A cars are described as follows:

AAR Mechanical Designation .....	XP
AAR Car Type Code .....	A405
AAR Equipment Diagram .....	Plate C
Date Built .....	1964
Car Numbers .....	CP 80000 - CP 80041 not inclusive
Nominal Capacity (Tons) .....	70
Cubic Feet Capacity .....	5090
Extreme Height .....	15' 6"
Extreme Width .....	10' 7"
Length Inside .....	50' 6"
Length Outside .....	57' 10"
Air Brake System .....	AB/AB
Couplers .....	Type E
Cushion Units .....	One, center of car
Trucks .....	Barber S2. 6" x 11" roller bearings D4 inner and outer springs Number 18 brake beams
Wheels .....	33" curved or straight plate design
Doors .....	Two -- plug doors, 9' 0" x 10' 4"

The Cars are described in *The Official Railway Equipment Register*, Vol. 113, Number 2, issued October-1997 and effective October 1, 1997, on page number RR-112, line numbers 109-114.

# THE FIRST NATIONAL BANK OF MARYLAND

## SCHEDULE OF RAILCARS

Sch. No. 3

Series B

Lessee: BUFFALO & PITTSBURGH RAILROAD, INC.

Approved by: \_\_\_\_\_  
(Lessee initial)

Attached to Railcar Bill of Sale dated DECEMBER 31, 1997  
and or  
Schedule No. 3

<u>DESCRIPTION</u>	<u>REPORTING MARK</u>	<u>TOTAL COST</u>
Two hundred eighty-eight (288) 1965 manufactured box cars, each being 50 foot - 70 ton Plate C box cars as more fully described on the attachment hereto.	CP80042-80045	
	CP80047+80050	
	CP80053-80065	
	CP80067-80070	
	CP80072-80074	
	CP80076-80082	
	CP80084,80086 + 80088	
	CP80091-80093	
	CP80095-80098	
	CP80100-80106	
	CP80108-80110	
	CP80112-80114	
	CP80116+80117	
	CP80119-80121	
	CP80123,80124,80126,80127	
	CP80129-80134	
	CP80136+80137	
	CP80139-80141	
	CP80144+80145	
	CP80148-80156	
	CP80159-80163	
	CP80165-80172	
	CP80174-80179	
	80181	
	CP80183-80185	
	CP80187-80190	
	CP80192-80194	
	CP80196-80198	
CP80200-80205		
CP80207-80211		

**SCHEDULE OF RAILCARS**

Sch. No. 3

Series B

Lessee: BUFFALO &amp; PITTSBURGH RAILROAD, INC.

Approved by: \_\_\_\_\_  
(Lessee initial)Attached to Railcar Bill of Sale dated DECEMBER 31, 1997  
and or  
Schedule No. 3**DESCRIPTION****REPORTING MARK****TOTAL COST**

CP80213-80220  
CP80222-80224  
CP80226-80229  
CP80231-80239  
CP80241-80242  
CP80245-80250  
CP80252+80253  
CP80255+80257  
CP80258-80268  
CP80270-80273  
80275  
CP80277-80282  
80285  
CP80289-80292  
80294  
CP80297-80301  
CP80305,80311,80315  
CP80316-80318  
80320  
CP80325+80326  
CP80329-80336  
CP80339+80340  
CP80342-80346  
CP80348-80355  
CP80359-80362  
CP80364,80365,80367  
CP80370-80372  
CP80374-80379  
CP80381+80382  
CP80385-80391  
CP80394,80395,80397  
CP80399-80401  
CP80403-80409  
CP80411-80416  
CP80418-80420  
CP80422,80425,80427,80428; CP80431-80435

B. Group B --

The five hundred seventy-eight (578) Group B Cars are described as follows

AAR Mechanical Designation .....	XP
AAR Car Type Code .....	A405
AAR Equipment Diagram .....	Plate C
Date Built .....	1955
Car Numbers .....	CP 80042 - CP 80839 not inclusive
Nominal Capacity (Tons) .....	70
Cubic Feet Capacity .....	5090
Extreme Height .....	15' 6"
Extreme Width .....	10' 7"
Length, Inside .....	50' 6"
Length, Outside .....	57' 10"
Air Brake System .....	AB/AB
Couplers .....	Type E
Cushion Units .....	One, center of car
Trucks .....	Barber S2, 6" x 11" roller bearings, D4 inner and outer springs Number 18 brake beams
Wheels .....	33" curved or straight plate design
Doors .....	Two -- plug doors 9' 0" x 10' 4"

The Cars are described in *The Official Railway Equipment Register*, Vol. 113, Number 2, issued October-1997 and effective October 1, 1997, on page numbers RR-112 - RR-113, line numbers 114 - 184

# THE FIRST NATIONAL BANK OF MARYLAND

## SCHEDULE OF RAILCARS

Sch. No. 3

Series C & D

Lessee: BUFFALO & PITTSBURGH RAILROAD, INC.

Approved by: \_\_\_\_\_  
(Lessee initial)

Attached to Railcar Bill of Sale dated DECEMBER 31, 1997  
and or  
Schedule No. 3

<u>DESCRIPTION</u>	<u>REPORTING MARK</u>	<u>TOTAL COST</u>
<u>Series C</u>		
One hundred ten (110) 1969 manufactured box cars, each being 50 foot - 70 ton Plate C box cars as more fully described on the attachment hereto.	CP85002-85016 CP85019+85022 CP85024-85028 CP85030-85034 CP85036,85038,85039 CP85041+85042 CP85044+85045 CP85047-85052 CP85056+85058 CP85060-85065 CP85067+85068 CP85070-85072 CP85074-85078 CP85080-85089 CP85091-85102 CP85104-85105 CP85107-85112 CP85114-85119 CP85121+85123 CP85125-85128 CP85130+85131 CP85133-85137	
<u>Series D</u>		
Forty (40) 1979 manufactured box cars, each being 50 foot - 70 ton Plate C box cars as more fully described on the attachment hereto.	QC75000-75002 QC75006+75013 QC75016-75020 QC75026+75027 QC75030-75032 QC75034,75036,75045, 75046,75048,75051 QC75054-75056 QC75059,75061,75063, 75070,75073,75074 QC75076-75078,75081 QC75083-75086 QC75088+QC75091	



C. Group C --

The two hundred twenty (220) Group C Cars are described as follows:

AAR Mechanical Designation	XP
AAR Car Type Code	A405
AAR Equipment Diagram	Plate C
Date Built	1969
Car Numbers	CP 85002 - CP 85259, not inclusive
Nominal Capacity (Tons)	70
Cubic Feet Capacity	5140
Extreme Height	15' 5"
Extreme Width	10' 7"
Length, Inside	50' 7"
Length, Outside	57' 8"
Air Brake System	ABD/ABD
Couplers	Type E
Cushion Unit	One, center of car
Trucks	Barber S2, 6" x 11" roller bearings D4 inner and outer springs, Number 12 brake beams
Wheels	33" curved or straight plate design
Doors	Two -- plug doors 9' 0" x 10' 4"

The Cars are described in *The Official Railway Equipment Register*, Vol. 113, Number 2, issued October-1997 and effective October 1, 1997, on page number RR-113 line number 194.

D Group D --

The eighty one (81) Group D Cars are described as follows.

Association of American Railroads ( AAR") .....XP

Mechanical Designation

AAR Car Type Code.....A405

AAR Equipment Diagram.....Plate C

Date Built.....1979

Car Numbers .....QC 75000 - QC 75229,  
not inclusive

Nominal Capacity (Tons) .....70

Cubic Feet Capacity .....5204

Extreme Height.....15' 6"

Extreme Width.....10' 8"

Length, Inside.....50' 6"

Length, Outside.....58' 3"

Air Brake System.....ABD/ABDW

Couplers.....Type E

Cushion Units.....One, center of car

Trucks.....Barber S2,  
6" x 11" roller bearings,  
DS inner and outer springs  
Number 18 brake beams

Wheels.....33" curved or straight plate design

Doors.....Two -- plug doors, 9' 0" x 10' 4"

The Cars are described in *The Official Railway Equipment Register*, Vol. 113,  
Number 2, issued October-1997 and effective October 1, 1997, on page  
number RR-124, line number 745.